

CONFIDENTIAL
WEEKLY HOT ISSUES REPORT for RA/DRA Region 8
Week Ending November 06, 2020

OFFICE OF THE REGIONAL ADMINISTRATOR

HOT ISSUES AND IMPORTANT DEADLINES:

No Report

AIR AND RADIATION DIVISION

HOT ISSUES AND IMPORTANT DEADLINES:

No Report

LAND, CHEMICALS AND REDEVELOPMENT DIVISION

HOT ISSUES AND IMPORTANT DEADLINES:

No Report

LABORATORY SERVICES AND APPLIED SCIENCE DIVISION

HOT ISSUES AND IMPORTANT DEADLINES:

No Report

WATER DIVISION

HOT ISSUES AND IMPORTANT DEADLINES:

Final UIC Permits for Dewey Burdock

Key Message: EPA Region 8 plans to issue on November 13 the final UIC Class III and V permits for Powertech's proposed Dewey Burdock uranium in-situ recovery (ISR) project in the southern Black Hills of South Dakota.

- The UIC Class III Area Permit is for injection wells for the in-situ recovery of uranium. The UIC Class V Area Permit is for deep injection wells for disposal of ISR process waste fluids into the Minnelusa Formation after treatment to meet radioactive waste and hazardous waste standards. EPA will also approve an aquifer exemption in connection with the Class III Area Permit to exempt the uranium-bearing portions of the Inyan Kara Group aquifers.
- Along with the final permits, EPA will issue a Response to Comments document addressing all comments received since 2017. EPA will also issue a number of support documents including an Environmental Justice Analysis and Cumulative Effects Analysis.
- In August 2019 EPA issued revised draft UIC permits for the proposed Dewey Burdock uranium ISR project; the revisions were made in response to previous tribal consultation input and public comments received on its initial draft permits in 2017.
- Under EPA's procedural requirements, all those who commented have a right to appeal within 30 days of EPA's permitting decisions by petitioning the Environmental Appeals Board. EPA expects an appeal from one or more stakeholders and a possible challenge in federal court. Upon such appeal, the effectiveness of EPA's permits would be suspended preventing Powertech from constructing or operating its proposed injection wells.

- On 11/3/20, EPA received a letter from the Oglala Sioux Tribe stating that the Tribe disagrees with EPA's plan to complete consultation on this project and requesting that consultation continue. Region 8 intends to respond to the letter outlining the history of consultation initiated and completed with the Tribe that fulfills our responsibilities under EPA's policy on consultation.
- Powertech will still need to obtain a large scale mine and other permits from the SD DENR.
- Contacts: Douglas Minter (303) 312 6079 and Valois Robinson (303) 312 6276.

University of Montana Wetlands Grants Noncompliance Letter

Key Message: WD and MSD are developing a noncompliance letter to request the repayment of \$358,024 in grant funds from the University of Montana (Targeted timeline Nov. 16th)

- UM failed to provide the required cost share of 25% of total project costs as specified in the applicable regulations and terms of the agreements prior to the expiration of the periods of performance.
- In two separate UM Wetlands grants that closed on 9/30/19, they did not deliver the final product deliverables agreed upon in the original scope of work.
- Upon receipt of the letter, UM will have 120 days to make full payment or submit an appeal to the Decision Dispute Official within 30 days.
- Contact: Ben Bents / [[HYPERLINK "mailto:bents.benjamin@epa.gov" \h](mailto:bents.benjamin@epa.gov)], 312-6435; Tanya Code / [[HYPERLINK "mailto:code.tanya@epa.gov" \h](mailto:code.tanya@epa.gov)], 312-6110.

EPA Regions 8 and 10 Will Participate with OITA and the State Department in Semi-Annual Bilateral Discussions with Canada and the International Joint Commission

Key Message: Region 8 is supporting the State Department and OITA in discussions on November 4 and 5 with Canada and the IJC related to transboundary mining impacts.

- Key transboundary mining topics include the Saturated Rock Fill technology consultation between the U.S. and British Columbia, the joint Montana-B.C. efforts to develop a site-specific selenium standard for Lake Koocanusa, and the EPA efforts to coordinate discussions with U.S. stakeholders on monitoring priorities for the Kootenai watershed.
- Region 8 prepared talking points for Jane Nishida to deliver on these topics, and will assist in responding to questions and discussion.
- The International Joint Commission remains keenly interested in concerns about transboundary mining impacts originating in B.C.

Contact: Ayn Schmit, 303-921-7235

SUPERFUND AND EMERGENCY MANAGEMENT DIVISION

HOT ISSUES AND IMPORTANT DEADLINES:

No Report

ENFORCEMENT AND COMPLIANCE ASSURANCE DIVISION and OFFICE OF REGIONAL COUNSEL (combined)

HOT ISSUES AND IMPORTANT DEADLINES:

ECAD FIFRA Enforcement Section Issued Three Notice of Refusals of Admissions (NORAs) to Prevent Illegal Pesticides from Entering the Country.

Key Message: On October 22 and 26, 2020, ECAD issued three NORAs to deny the importation of illegal pesticide devices into the U.S.

- On October 22, 2020, unregistered pesticide devices—ozone generators--were denied entry at the Pembina North Dakota Port of Entry. The devices were being imported by Velocity Water Works LLC, in Kaukauna, Wisconsin.
- On October 22, 2020, “Fruit and Veg Sanitizer” devices that were not in compliance with FIFRA device regulations were denied entry at the Salt Lake City Port. The devices were being imported by Shipcentral, in West Jordan, Utah.
- On October 26, 2020, “Citronella Coils” pesticide devices that were not in compliance with FIFRA device regulations were denied entry at the Salt Lake City Port. The coils were being imported by Rosetta Getty, in Los Angeles, California.
- Technical Contact: Christine Tokarz, 312-6147; Management Contact: David Cobb, 312-6592.

ECAD FIFRA Enforcement Team Conducted Joint Inspections with Utah Department of Agriculture and Food (UDAF).

Key Message: In October the FIFRA Enforcement Team conducted joint inspections with the UDAF.

- On October 19, 2020, an EPA and a UDAF inspector observed the coronavirus related disinfection processes of Salt Lake City Airport. EPA is providing compliance assistance to the airport administration to update their procedures and come into compliance with FIFRA regulations.
- On October 22, 2020, a member of the FIFRA Team and a UDAF inspector observed the coronavirus related disinfection processes of Utah Transit Authority. EPA is providing compliance assistance to the Utah Transit Authority to update their procedures and come into compliance with FIFRA regulations.
- On October 26, 2020, a member of the FIFRA Team and a UDAF inspector observed the coronavirus related disinfection processes of the St. George municipal buildings and airport. EPA is providing compliance assistance to ensure potential noncompliance is resolved.
- The Utah inspections were part of a larger training effort that Region 8 provided to UDAF inspectors in relation to coronavirus related enforcement work.
- Technical Contact: Christine Tokarz, 312-6147; Management Contact: David Cobb, 312-6592.

ECAD TSCA Enforcement Section and American Best Roofing & Remodeling LLC Resolve TSCA RRP Violations with Consent Agreement and Final Order

Key Message: On November 3, 2020, a Consent Agreement and Final Order between the EPA and American Best Roofing & Remodeling LLC (Respondent) was issued to resolve RRP violations resulting from an April 2018 jobsite inspection.

- The settlement included a \$2,600 penalty for violations including failure to obtain initial firm certification, failure to assign a certified renovator to the project, failure to maintain proper records and failure to follow lead safe work practices.
- Ensuring the environment and public health are protected from lead-based paint hazards under the RRP Rule is both an agency and regional priority area.
- Technical Contact: Britta Copt, 312-6229; Inspector: Chris Maksimuk, 312-6406; Management Contact: David Cobb, 312-6592; Legal Contact: Marc Weiner, 312-7202.

EPA Entered into an Expedited Settlement Agreement (ESA) and Issued Final Order (Order) to Resolve Spill Prevention Control and Countermeasures (SPCC) Violations with Town and Country Supply Association in Hardin, Montana.

Key Message: The ESA and Order between the EPA and Town and Country Supply Association was issued on October 28, 2020, to resolve violations of SPCC regulations under Section 311(j) of the Clean Water Act (Act).

- On May 17, 2017, EPA conducted a SPCC inspection of Town and Country Supply Association, an oil retail facility located in Hardin, Montana.
- Town and Country Supply Association did not have an SPCC Plan at the time of the inspection.
- The ESA requires that Town and Country Supply Association submit an SPCC Plan and certify that they have corrected the alleged violation(s) and pay a \$7,578 civil penalty.
- Technical contact: Dennis Jaramillo, 312-6203; Management Contact: Janice Pearson, 312-6354; Legal contact: Peggy Livingston 312-6858.

MISSION SUPPORT DIVISION

HOT ISSUES AND IMPORTANT DEADLINES:

No Report